

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 745 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NATVARLAL KANABHAI

Versus

STATE OF GUJARAT

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Appearance:

MR ANIL S DAVE for Petitioner

MR SA PANDYA, A.P.P. for Respondents

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 04/08/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.S.A. Pandya, learned A.P.P. for the respondents. Mr.Anil S. Dave, learned Advocate rendered legal assistance to the prisoner - petitioner who has also been heard in person.

2. Heard. The copy of the Report of the Superintendent of Rajkot District Jail has also been

supplied to the prisoner. Having heard him he has expressed following grievances :

- i) As the facilities available in the jails in Himachal Pradesh are more and better he would wish to get himself retransferred to the Jail in the State of Himachal Pradesh.

Since the prisoner has been transferred from the Jail in that State to the jail in this State his request for retransfer cannot be entertained in the facts of the case;

- ii) The prisoner has also expressed that he has been actually released on parole and/or furlough whenever his such application has been granted either by the Jail Authority or by the Court after passage of 8 to 10 days. Even at present his furlough has been granted and the concerned officer states before the Court that he would be released as and when he desires to be released on furlough which has been granted.

In above view of the matter this petition cannot be entertained. Rule is discharged.

Date : August 04, 1997 ( M. S. Parikh, J. )

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